

N° 2178.

ALLEMAGNE ET POLOGNE

Convention concernant l'administration des secteurs de la Noteć (Netze) et de la Głda (Küddow) qui déterminent la frontière, ainsi que la navigation sur ces parcours, avec règlement d'exécution et protocole final. Signés à Pila, le 14 mars 1925.

GERMANY AND POLAND

Agreement regarding the Administration of the Frontier Sections of the Noteć (Netze) and the Głda (Küddow) Rivers, and Navigation on these Sections, with Detailed Regulations and Final Protocol. Signed at Pila, March 14, 1925.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 2178. — ABKOMMEN¹ ZWISCHEN POLEN UND DEUTSCHLAND ÜBER DIE VERWALTUNG DER DIE GRENTZE BILDENDEN STRECKEN DER NOTEĆ (NETZE) UND DER GLDA (KÜDDOW) SOWIE ÜBER DEN VERKEHR AUF DIESEN STRECKEN. GEZEICHNET IN SCHNEIDEMÜHL AM 14. MÄRZ 1925.

German and Polish official texts communicated by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place October 22, 1929.

POLEN einerseits und DEUTSCHLAND andererseits haben in der Absicht, die Verwaltung der Grenzstrecke der Noteć (Netze) und der Glda (Küddow) zu regeln, sowie zur Ausführung der Bestimmung des Artikel 74 des am 21. April 1921 unterzeichneten Abkommens über den freien Durchgangsverkehr zwischen Ostpreussen und dem übrigen Deutschland beschlossen, ein dahingehendes Abkommen zu treffen. Die zu diesem Zwecke ernannten Bevollmächtigten, nämlich :

FÜR POLEN :

der Leiter des Transit-Komitees in Ministerium des Äussern, Herr Jerzy BOGORJA-KURZENIECKI ;

FÜR DEUTSCHLAND :

Der Gesandte, Herr Dr. Paul ECKARDT,

Haben sich nach Prüfung ihrer in guter und richtiger Form befundenen Vollmachten über folgende Bestimmungen geeinigt :

I. ABSCHNITT.

VERWALTUNG DER GRENZSTRECKE NOTEĆ (NETZE).

Artikel 1.

1. Die Strecke der Noteć (Netze), von der Einmündung der Glda (Küddow) bis zu einem Punkte südwestlich von Neu-Beelitz, welche die polnisch-deutsche Grenze bezeichnet (Grenzstrecke), wird bei Km. 142,57 für die Zwecke der Verwaltung in eine östliche obere und eine westliche untere Strecke geteilt.

2. Polen übernimmt die Verwaltung der oberen Strecke, Deutschland die der unteren.

¹ The exchange of ratifications took place at Warsaw, August 13, 1929.

¹ TRANSLATION.

No. 2178. — AGREEMENT BETWEEN GERMANY AND POLAND REGARDING THE ADMINISTRATION OF THE FRONTIER SECTIONS OF THE NOTEĆ (NETZE) AND THE GŁDA (KÜDDOW) RIVERS AND NAVIGATION ON THESE SECTIONS. SIGNED AT PILA, MARCH 14, 1925.

POLAND, of the one part, and GERMANY, of the other part, with a view to regulating the administration of the frontier sections of the Noteć (*Netze*) and the Głda (*Küddow*) rivers, and in order to give effect to the provisions of Article 74 of the Agreement regarding freedom of transit between East Prussia and the rest of Germany signed on April 21, 1921, have resolved to conclude an agreement to this effect. The Plenipotentiaries appointed for this purpose, namely :

POLAND :

M. Jerzy BOGORYA-KURZENIECKI, Chairman of the Transit Committee of the Ministry of Foreign Affairs ;

GERMANY :

Dr. Paul ECKARDT, Minister Plenipotentiary ;

After having found their full powers in good and due form, have agreed on the following provisions :

SECTION I.

ADMINISTRATION OF THE NOTEĆ (NETZE) FRONTIER SECTION.

Article 1.

1. The section of the Noteć (*Netze*) extending from the mouth of the Głda (*Küddow*) to a point south-west of Neu-Bellitz and forming the Polish-German frontier (frontier section), shall, for the purposes of administration, be divided at km. 142.57 into an upper eastern and a lower western section.

2. Poland shall undertake the administration of the upper, and Germany that of the lower section.

Article 2.

1. Administration shall involve the maintenance and operation of the canalised waterway together with the weirs, locks and other river works, with the exception of the upkeep of the river banks above and below water-level, which must be maintained by each State itself ; it shall also comprise the river police service (with the exception, however, provided for police service in Article 5, No. 2) and the health police service.

¹ Translated by the Secretariat of the League of Nations, for information.

2. Administration shall extend to the waterway contained between the river banks as determined by the ordinary water-level and to those parts of the dams situated on the territory of the other State which are essential to the maintenance of traffic. These shall be exactly delimited on the occasion of the initial inspection, which shall be carried out after signature of the present Agreement, in virtue of paragraph 3 of the executive regulations annexed hereto.

3. The Contracting Party on whose territory they are situated shall be responsible for the administration and upkeep of the longitudinal walls connected with the dams, and of any other buildings therein. The Contracting Parties shall maintain the said walls in good condition and protect them from all damage,

Article 3.

The waterway shall be so maintained that, when there is a sufficient flow of water, the channel dammed shall have a depth of at least 1.5 metres and be navigable for vessels of a length of 55 metres and an effective width of 8 metres.

Article 4.

1. During the irrigation period the water-level on the frontier section shall be maintained by the appropriate manipulation of the weirs, at a level enabling the Noteć (*Netze*) meadows to be irrigated, always provided that the river has a sufficient discharge.

2. Irrigation shall be supervised by the competent authorities of the State on whose territory the land to be irrigated is situated. The competent authorities of the other State must be notified on each occasion three days before the raising or lowering of the water level. The competent authorities shall inform one another of any plans to irrigate land outside the frontier section likely to affect the discharge of water in the frontier section or in the territory of the other State.

Article 5.

1. The river police service shall be subject to the provisions of the State in charge of administration. The competent authorities shall agree upon any modifications to be made in the existing regulations or in their execution.

2. Concessions and river police permits provided for by the fluvial laws of the two States shall be issued by the competent authorities of the State to whose territory they refer, in agreement with the competent authorities of the other State; the authorities of both States must inform each other of any applications received or formal objections raised.

3. The provisions of Nos. 1 and 2 shall apply *mutatis mutandis* to the maintenance of the flooded area.

Article 6.

Building material used for works on the weirs and locks referred to in Article 2, No. 1, shall, on being transported to the territory of the other State be exempt from all charges such as import and export duties. Import and export shall be effected by making a declaration at the competent Customs office on the basis of a certificate issued by the Works Department in charge. The same shall apply to any building material, instruments and animals required, provided they are re-exported.

SECTION II.

NAVIGATION AND TIMBER FLOATING ON THE FRONTIER SECTION OF THE NOTEĆ (NETZE).

Article 7.

There shall be complete freedom of navigation on the frontier section of the Noteć (*Netze*) for privately owned vessels and rafts of every kind, together with the persons and cargoes thereon, irrespective of their nationality.

Article 8.

1. Vessels and rafts, together with the persons and cargoes carried by them, shall be exempt on the frontier section from all Customs and passport formalities, provided they do not communicate with the shore. This shall not preclude the carrying out of Customs and passport formalities at a suitable point on the frontier section, provided navigation is not interfered with.

2. The vessels and rafts referred to in No. 1 may only communicate with the shore subject to the Customs and police regulations of the riparian State.

Article 9.

Should it be necessary to revise the existing river police regulations for traffic on the frontier section, the competent authorities shall arrange for decrees of uniform tenor to be published simultaneously.

Article 10.

1. Each of the Contracting Parties may levy navigation dues on the section under its administration.

2. There shall be uniform schedules of dues for the vessels of both Parties. Only such dues may be levied as are intended adequately to cover the cost of maintaining in a navigable condition and improving the waterway and the approaches thereto, or to be a contribution towards expenditure incurred in the interests of navigation.

3. The competent authorities shall publish and communicate to one another the schedules of dues.

SECTION III.

ADMINISTRATION OF THE FRONTIER SECTION OF THE GLDA (KÜDDOW).

Article 11.

1. The section of the Glda (*Küddow*) forming the frontier from a point south of the Küddowthal estate to its junction with the Noteć (*Netze*), shall, for administrative purposes, be divided into an upper northern section and a lower southern section by a line drawn through the middle of the road leading from the frontier to the Byschke (*Byszki*) estate.

2. Poland shall administer the lower, and Germany the upper section.

Article 12.

With the exception of Articles 3 and 4, the provisions of Section I shall apply *mutatis mutandis* to the frontier section of the Gıda (*Küddow*).

SECTION IV.

GENERAL AND FINAL PROVISIONS.

Article 13.

Expenditure incurred in connection with the administration of the frontier sections referred to in the present Agreement, including costs of upkeep, shall be borne by the Party in charge of administration to whom shall also accrue the corresponding revenue from the frontier sections.

Article 14.

Should there be obligations for the joint upkeep of frontier sections or of specific works, the Contracting Parties undertake to co-operate in their fulfilment.

Article 15.

1. Executive regulations are annexed to this Agreement for the purpose of its execution ; further the competent authorities shall mutually agree upon uniform principles, which it shall be the duty of both Contracting Parties to observe.

2. Should it be necessary to carry out supplementary work in the frontier sections of the Noteć (*Netze*) or Gıda (*Küddow*), the competent authorities shall be at liberty to conclude special arrangements to this effect.

3. The competent authorities of both Parties shall, in each particular case, agree upon the procedure to be observed for the maintenance of the river banks.

Article 16.

Disputes arising in regard to the interpretation or execution of this Agreement shall be settled by the President of the German-Polish-Danzig Arbitration Court for transit questions at Danzig, should he consent to do so. Otherwise, the Contracting Parties shall agree upon the choice of another person.

Article 17.

The present Agreement drawn up in Polish and German originals, shall be ratified together with the executive regulations and final protocol. The instruments of ratification shall be exchanged at Warsaw. The Agreement shall come into force fourteen days after the exchange of ratifications. It is concluded for an indefinite period, but may be denounced by either State before the end of a calendar year, to take effect as from the end of the following year.

In faith whereof both Plenipotentiaries have signed the present Agreement and have affixed their seals thereto.

Done at Pila, this fourteenth day of March, one thousand nine hundred and twenty-five.

(L. S.) (Signed) JERZY BOGORZYA-KURZENIECKI.

(L. S.) (Signed) Paul ECKARDT.

DETAILED REGULATIONS.

OF THE POLISH-GERMAN AGREEMENT REGARDING THE ADMINISTRATION OF THE FRONTIER SECTIONS OF THE NOTEĆ (NETZE) AND THE GŁDA (KÜDDOW) RIVERS.

*Ad Section I of the Agreement.**Paragraph 1.*

On the basis of the experience gained and material collected by both States, the competent authorities of the two parties shall, within five years from the entry into force of the Polish-German Agreement regarding the administration of the frontier sections of the Noteć (*Netze*) and the Głda (*Küddow*) rivers, frame an irrigation plan for the improvement areas situated on both sides of the Noteć (*Netze*) frontier section, and take steps to have this plan executed. The above provision shall continue to apply even though the Agreement itself should lapse.

Paragraph 2.

1. In technical questions the hydraulic works administrations of the two Parties shall negotiate direct with one another through their local authorities.

2. For the purpose of preparing, executing and inspecting works on the sections allotted to them under Article 1 of the Agreement, the competent officials and other persons on the staff of the departments of either Contracting Party, or contractors acting under the orders of the competent authorities, may, on applying three days in advance to the Customs office of the other State, put into shore and land on the territory of the other State at points other than those officially authorised for crossing the frontier. In cases of immediate danger, the three day's notice need not be observed. Persons in charge of works shall be bound to produce, at the request of the competent officials of the other Party, a service document and identity card, together with a list of the names of the workmen employed.

3. For the administration and maintenance of its own river bank, each Contracting Party may use the section under the administration of the other State with its vessels and gear and may transport crews, animals and tools.

4. The boat's referred to in Nos. 2 and 3 must carry distinguishing marks, which shall be communicated to one another by the competent authorities of both States.

Paragraph 3.

With a view to deciding on the maintenance works required, representatives of the competent authorities of both Parties shall, after consultation between the hydraulic works administrations of both States, make joint annual inspections, as occasion requires, of the frontier sections.

*Ad Section II of the Agreement.**Paragraph 4.*

Vessels belonging to the police and Customs authorities of either Contracting Party may navigate the frontier section administered by the other Party, but may only put into shore with the permission of the authorities of that Party.

Ad Section III of the Agreement.

Paragraph 5.

The provisions of Section I of the Agreement shall apply *mutatis mutandis* to the frontier section of the Głda (*Küddow*).

Ad Section IV of the Agreement.

Paragraph 6.

Each Government shall notify to the other the authorities competent under the provisions of the Agreement.

Paragraph 7.

Each Contracting Party shall, at the request of the other Party and against refund of expenses, furnish such data regarding water-levels and ice conditions, as well as such results of hydraulic surveys and soundings as are of use in averting flood and ice risks, preparing plans for extensions ensuring the upkeep and regulating navigation and the irrigation of the Noteć (*Netze*) meadows.,

Paragraph 8.

The above detailed regulations shall form an integral part of the Agreement. Either Contracting Party, however, may request that an investigation be made into the extent to which these Regulations require modification. In the event of modifications being made, the provisions of Article 113 of the Agreement regarding freedom of transit between East Prussia and the rest of Germany, dated April 21, 1921, shall apply.

Done at Pila, this fourteenth day of March, one thousand nine hundred and twenty-five.

(L. S.) (Signed) Jerzy BOGORYA-KURZENIECKI.

(L. S.) (Signed) Paul ECKARDT.

FINAL PROTOCOL.

On signing the Polish-German Agreement regarding the administration of the frontier sections of the Noteć (*Netze*) and Głda (*Küddow*) rivers, the Plenipotentiaries of both Parties have agreed on the following points :

I. The locks, weirs and other river works, administered at the time of the entry into force of the present Agreement by one of the Contracting Parties in virtue of the Provisional Agreement dated September 27, 1921, shall be deemed to have been finally transferred for administration purposes.

II. With the exception of the bridge near Czarnków (*Czarnikau*), bridges shall not be deemed to be river works in the sense of Article 2, No. 1, of the Agreement. The competent authorities of the two Parties shall make arrangements for the upkeep of the Czarnków (*Czarnikau*) bridge, this question being reserved.

III. At the moment of signing the Agreement, the main provisions applicable in respect of river police questions are :

(a) In the case of Poland :

Article 45, paragraph 1, Nos. 1-8, Articles 114, 119, 129 and 190 of the Waterways Act dated September 19, 1922 ;

(b) In the case of Germany :

Paragraphs 21, 22, 46, Nos. 1-4, 284, 285, 287, 333 and 342 of the Prussian Waterways Act dated April 7, 1913.

IV. Special arrangements shall be made between the Governments of the two Contracting Parties as to the extent to which vessels other than those specified in the present Agreement and in the executive regulations may be entitled to navigate the Noteć (*Netze*). Pending agreement on this point, the two Contracting States shall continue to observe the regulations laid down in the Provisional Agreement of September 27, 1921. Till then, however, neither State shall permit such vessels to navigate the frontier section without an agreement on the point with the Government of the other Party.

V. The present Agreement shall not affect the right of the police and Customs authorities of both Parties to use service vessels on the frontier section of the Głda (*Küddow*).

VI. The provisions of this Agreement shall not preclude the question being settled in another manner by international agreements.

Done at Pila, this fourteenth day of March, one thousand nine hundred and twenty-five.

(L. S.) Jerzy BOGORZA KURZENIECKI.

(L. S.) Paul ECKARDT.